Mag

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: CP DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Def#1) Kermit PEREDA-Rebollo,** **Def#2) Daniel PRECIADO** Defendant(s)	Magistrate Case No. **'08 MJ 1155** COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **April 13, 2008,** within the Southern District of California, defendants **Kermit PEREDA-Rebollo and Daniel PRECIADO** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Rosendo GUILLEN-Villa, Enrique LOPEZ-Orozco,** and **Juan VERA-Najera** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF **April 2008**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Def#1) Kermit PEREDA-Rebollo
Def#2) Daniel PRECIADO

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Rosendo GUILLEN-Villa, Enrique LOPEZ-Orozco,** and **Juan VERA-Najera** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 13, 2008, at approximately 11:00 a.m., Border Patrol Agents N. Santos, M. Damian, and Senior Patrol Agent M. Salzano were conducting Border Patrol Operations at the U.S. Border Patrol Checkpoint located on Interstate 8 near Pine Valley, California. The checkpoint was closed due to high winds.

At about 12:00 p.m., agents in the field received a citizen report of a dump truck possibly loading several suspected illegal aliens by Tierra Del Sol in Boulevard, California. Agents located a vehicle matching the citizen report description heading west bound on I-8 near Kitchen Creek road. A vehicle stop was performed by Border Patrol Agent N. Santos in marked service sedan, on a Freightliner, Dump Truck, on I-8. The vehicle yielded near the I-8 Border Patrol Checkpoint near Pine Valley, California.

Agents Salzano and Santos approached the vehicle and identified themselves to the visible driver and passenger as U.S. Border Patrol Agents. For officer safety, the driver later identified as defendant#1 **Kermit PEREDA-Rebollo**, and passenger later identified as defendant#2 **Daniel PRECIADO**, were instructed by Agent M. Salzano to exit the vehicle. Both defendants exited the Dump truck. Agent Salzano questioned PEREDA as to his citizenship and his place of birth. PEREDA stated he was born in Mexico City, Mexico, and stated he did not possess any immigration documents that would allow him to enter or remain in the United States Legally. Agent Salzano questioned PRECIADO as to his citizenship and his place of birth. PRECIADO stated he was a United States citizen, but he claimed he left his documents at home. After further questioning PRECIADO claimed that he was a citizen of Mexico with a Legal Permanent Resident Card. However, PRECIADO stated he did not have his resident alien card with him at this time. PRECIADO was asked by Agent Salzano if there was anything in the vehicle that was illegal. Neither defendants responded to the question and were instructed that a canine sniff would be performed on the vehicle. Agent Salzano and his K-9 partner are a trained and certified team. The K-9 is trained and certified in the detection of controlled substances and concealed humans.

Agent Salzano then stated that the K-9 had alerted on the passenger side of the vehicle and followed the odor to the gate of the dump in the back of the truck. Agents Salzano and Damian climbed on the truck and observed multiple subjects lying on the bottom of the five yard dump area. Agents identified themselves as U.S. Border Patrol Agents to the subjects in the bed of the dump truck and were questioned as to their immigration status. All twelve subjects in the bed of the dump truck freely admitted to being undocumented Mexican citizens illegally present in the United States. At 12:08 p.m., Defendants PEREDA and PRECIADO, and the twelve undocumented individuals were arrested and transported to the Campo Station processing unit.

CONTINUATION OF COMPLAINT:
Def#1) Kermit PEREDA-Rebollo
Def#2) Daniel PRECIADO

STATEMENT OF DEFENDANT#1: Kermit PEREDA-Rebollo

PEREDA was read the Miranda rights and was willing to answer questions without an attorney present. PEREDA freely admitted to being a citizen and national of Mexico illegally present in the United States. When questioned about today's alien smuggling event, PEREDA stated that he was approached by a man who asked him to drive a rental truck and pick up illegal aliens. PEREDA stated that the unidentified man told him that he would be paid an unknown amount. This same individual also gave him written instructions to the area where he would be picking up the illegal aliens. PEREDA stated that he drove to the area and when he saw the illegal aliens standing there, defendant #2 Daniel PRECIADO, who was in the passenger seat, yelled to the group to get in. PEREDA stated that he knew the people he picked up were illegal aliens, and he was going to take them to San Diego, California and then call the unidentified man to await further instructions.

STATEMENT OF DEFENDANT #2: Daniel PRECIADO

PRECIADO was read the Miranda rights and was willing to answer questions without an attorney present. When questioned about today's alien smuggling event, PRECIADO stated that he was approached by a man who asked him to go do a job. PRECIADO claimed that defendant #1 Kermit Pereda-Rebollo was given the keys to a truck they were supposed to use on the job. He stated that he did not know exactly what the job was about, but it was probably to go pick up some wood. PRECIADO stated that the unidentified man told him that he would be paid an unknown amount for doing the job. PRECIADO stated they would be paid after they dropped off the truck with the contents and was given written instructions by the unknown man to the area where he would be doing the job. PRECIADO also claims a cell phone was in the truck when he got in, and that the cell phone was used by the unknown man to contact them. PRECIADO stated that they drove to the area where they were supposed to do the job and saw a guy laying down on the road. When they stopped people began to jump into the back of the truck. PRECIADO stated he knew they were illegal aliens but was afraid of telling them to get off the truck. He stated he was going to Escondido, California and was supposed to call the unknown man when they got there.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Rosendo GUILLEN-Villa, Enrique LOPEZ-Orozco,** and **Juan VERA-Najera** admitted in summary that they are citizens and nationals of Mexico illegally present in the United States. GUILLEN and VERA stated that they made arrangements in Mexico to be smuggled to various parts of the United States for an unknown amount. LOPEZ stated the he was to pay $3200.00 (US) to be smuggled to Los Angeles, California. The material witnesses stated that they entered the United States illegally with the aid of alien smuggler/foot guide. They stated that the group climbed over the international fence and followed a trail. They stated that the group walked for a period of time until they reached a designated location along a road. A vehicle arrived soon after and picked them up. The vehicle traveled for a period of time until they were stopped and consequently arrested by the Border Patrol.